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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,432	07/13/2001	Patrick H. Hayes	81230.62US3	3427
34018	7590	10/28/2005	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			NATNAEL, PAULO S M	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/905,432

Applicant(s)

HAYES ET AL.

Examiner

Paulos M. Natnael

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

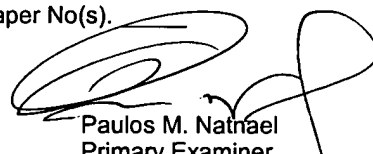
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 19,20,22,26,27 and 29.
Claim(s) objected to: 32,33.
Claim(s) rejected: 1-7,16-18,23-25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13. ☐ Other: _____.


Paulos M. Natnael
Primary Examiner
Art Unit: 2614

Continuation of 11. does NOT place the application in condition for allowance because:
 as shown in the Final Rejection and herein below, Allport and Liu meet the claims as claimed. Applicant argues that "Allport does not disclose, teach, or suggest each and every element set forth in claims. For example, nowhere does Allport disclose, teach, or suggest that closed captioning information is read from a video signal with the closed captioning information read from the video signal then being loaded into a pre-formatted mark-up language page that is downloadable to a hand-held device. Rather, the HTML parser of Allport does nothing more than merely pass through HTML content that is received at the base station (75) with, at best, some parts of the HTML content stripped therefrom, i.e., there is no extracting of information followed by the loading of the information into a pre-formatted mark-up language page." Further the applicant further argues that Liu does not disclose, teach, or suggest each and every element set forth in claims. For example, nowhere does Liu disclose, teach, or suggest that song lyrics or movie sub-titles are read from a recorded media with the song lyrics or movie sub-titles read from the recorded media then being loaded into a pre-formatted mark-up language page that is downloadable to a hand-held device. Rather, Liu expressly states, as acknowledged in the Office Action, that Liu does nothing more than pass through retrieved Web page content, i.e., there is no extracting of information followed by the loading of the information into a pre-formatted mark-up language page.

Examiner submits that Allport discloses that (1) A hand-held, portable remote control with an integrated video display capable of displaying full motion video. (col. 3, lines 55-57) (2) "Many applications exist where the user or users may derive a great benefit from an additional display screen for user interaction, as will be discussed herein. One such situation is for users of TV systems that display text-based status information on the TV display during attribute adjustment (e.g., to volume, contrast, color, tint, brightness, sound, etc.), or for closed caption messages such as sports scores, stock quotes, etc. The remote control display may be used to display that information and therefore leave the primary viewing screen free of unnecessary clutter. For existing Internet-enabled TV the benefit realized is even greater due to the significant amount of screen real estate typically devoted to displaying navigational and other information. By adding a second display that communicates with the TV, all of the navigational interface can be removed from the TV screen, leaving much more room for actual viewing content." Here Allport clearly teaches that closed-captioned data which may be extracted from the video signal, as is notoriously well known in the TV art, and displayed on the Remote controls screen. (see col. 3, lines 66 thru col. 4, line 14. (3) Further below on col. 4, lines 39-45, Allport discloses that "For analog signals such as TV broadcasts, Internet data is embedded within the VBI (vertical blanking interval). Examples of this are Intel's "InterCast" standard (which some TV networks are already using), and Navio's HTML-TV standard." Here again Allport teaches that Internet data is embedded within the VBI of the Television signal. (4) And, finally, Allport teaches that "For the situation where an Internet-enabled TV display is cluttered with text-based and other navigational information, a further benefit of the present invention is that with suitable HTML (Hypertext Markup Language) parsing software 10, some parts of the actual Internet content could also be displayed on the remote control's display 15." (col. 6, lines 50-55) Here as before, Allport discloses HTML software would be used to display the data on the remote control's display. Therefore, it is clear that Allport teaches hand-held device that communicates with the a consumer appliance that is capable of reading CC information embedded in video/TV signal and loading it into the screen of the remote using the HTML software. Thus, Applicant's arguments are not persuasive.

The examiner submits, Liu teaches that in a Karaoke application, a user may access songs which are most popular at a given time and may also access a page where a song list and other information is displayed on a display apparatus. see Abstract. This clearly means that inherently there is a Karaoke device that the system of Liu will be able to access in order to obtain the song lyrics, which meets the second limitation of the claims 5 and 6. Liu discloses also "A user wishing to access a Karaoke application provided in accordance with this invention will access a Karaoke page via a browser such as Netscape. The browser supports Java so that the use of Java provides multimedia capabilities which are operating system and hardware independent. Accordingly, an applet including encrypted and unencrypted data and instructions will be delivered to the user's computer system to enable the user to make choices and thus send a request to a remote server for the delivery of multimedia content." col. 3, lines 24-31 Furthermore, Liu teaches that "Alternatively, the Karaoke page is accessed, for example, by a user's personal computer, LAN, laptop, PDA, workstation, television or telephone 82a, 82b or 82c, wireless or wired. In any manner of transmission from a remote source, applets are automatically downloaded onto the user's computer system upon access to the page as described above. (see col. 3, lines 58-64) The latter disclosure clearly illustrates that the data can be downloaded to a hand-held device. Thus, the argument that Liu does not disclose song lyrics or movie sub-titles read from a recorded media ...then being loaded into a pre-formatted mark-up language page that is downloadable to a hand-held device... that Liu expressly states, as acknowledged in the Office Action, [which by the way Applicant fails to point both where Liu states and the Office Action acknowledges] that Liu does nothing more than pass through [sic] retrieved Web page content...and that there is no extracting of information followed by the loading of the information into a pre-formatted mark-up language page....etc. is unpersuasive, because clearly Liu teaches that in a Karaoke application, a user may access songs and the accessed data may be downloaded to the user computer system which may include a PDA (which is known to be a hand-held device) or telephone (another hand-held device). The data being downloaded is in an HTML format and displayed as such.